

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:21-cr-00462 RLW/DDN
)
MATTHEW STEVEN MILLER, D.O.,)
)
Defendant.)

GOVERNMENT'S SUPPLEMENTAL MOTION FOR PRETRIAL DETENTION

Comes now the United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Dorothy L. McMurtry, Assistant United States Attorney for said District, and supplements its previous motion (DCD 5) requesting the Court to order Matthew Steven Miller, D.O. ("the Defendant") detained pending trial.

As and for its grounds, the Government states as follows:

1. On August 18, 2021, the Defendant was charged with five counts of illegally prescribing controlled substances outside the usual course of professional practice and not for a legitimate medical purpose, in violation of 21 U.S.C. § 841(a)(1); with five counts of obtaining and assisting others in obtaining controlled substances by fraud, deception, or subterfuge, in violation of 21 U.S.C. § 843(a)(3); and three counts of making false statements concerning health care matters, in violation of 18 U.S.C. § 1035(a)(2). The indictment specifically alleges that between 2016 and 2018, the Defendant called in prescriptions for Xanax, a Schedule IV controlled substance, for persons with whom he did not have a doctor-patient relationship, had never examined or determined they needed the Xanax, and did not create or maintain patient records. It is further alleged that the "patients" filled the prescriptions and gave all or some of the Xanax pills to the Defendant and at other times sold the pills and split the money with the Defendant.

2. At the time the Defendant called in the above-described prescriptions, he was not authorized to prescribe controlled substance medications because he did not have the required Missouri BNDD license and DEA registration number. Nonetheless, using the identifier of a doctor with a similar name, the Defendant also wrote numerous prescriptions for controlled substances, including Schedule II controlled substances, for patients of a pain clinic where he was employed.

3. On June 23, 2019, the Defendant was charged in an Illinois state court with one count of predatory criminal sexual assault (giving the victim a controlled substance), two counts of predatory sexual assault of a victim 13 years old or under, and two counts of aggravated battery (causing permanent disability). The victim was a toddler. Trial in this matter is currently set for February 7, 2022.

4. Between 1997 (when he was 18 years old) and 2019, the Defendant has pleaded guilty on at least seven occasions in Illinois and Michigan to misdemeanor and felony charges, which included battery, operating a vehicle while impaired, and disturbing the peace.

5. Accordingly, pursuant to Title 18, United States Code, Section 3142(g), the following factors mandate Defendant's pretrial detention because he poses a risk of danger to the community because of:

- (a) the nature and seriousness of the charged offenses in the pending federal case and in the Illinois state case,
- (b) the risk the Defendant may engage in the serious and dangerous practice of writing illegal prescriptions for controlled substances for no legitimate medical purpose, thereby increasing the likelihood of dependence, addiction, and physical harm to the persons consuming the controlled substances,
- (c) the Defendant's prior use of controlled substances and alcohol and operating vehicles under the influence of these substances,

- (d) the Defendant's history of assault and battery, including the predatory sexual assault of a toddler,
- (e) the evidence against the Defendant in the pending federal case is strong and the Defendant faces imprisonment if convicted.

6. Further, pretrial detention of the Defendant is warranted under Title 18, United States Code, Section 3142(g), because there is a serious risk that the defendant will flee:

- (a) the Defendant has a history of "Failure to Appear" and currently has an active warrant issued in Michigan for failure to appear,
- (b) the Defendant is currently on probation in a Michigan case, number 17-2457SM, and has a pending violation hearing scheduled December 21, 2021,
- (c) the Defendant has a prior history of substance abuse, which could impair his judgment and pose a risk of nonappearance, and
- (d) the Defendant is unemployed and has no property or economic ties to the Eastern District of Missouri.

WHEREFORE, for the reasons stated above, the Government requests this Court to order Defendant detained prior to trial.

Respectfully submitted,

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United States Attorney

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